

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SHARHONDA ATWELL

Plaintiff

V.

CURTIN TRUCKING AND
DRAINAGE, INC. A/K/A CURTIN CO.
and ROBERT S. REED, III

Defendants

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CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

COMES NOW Curtin Co. (hereinafter “Defendant”), improperly identified in the Complaint as “Curtin Trucking and Drainage, Inc.,” and, within the time prescribed by law, files a Notice of Removal of this action from the State Court of Clayton County, State of Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support of the Notice of Removal, Defendant respectfully shows to the Court the following facts:

1.

Plaintiff filed suit against Defendants in the State Court of Clayton County, Georgia, which is within the Atlanta Division of this Court. This suit is styled as

above and numbered Civil Action File No. 2022CV00290 in that Court. *See* Complaint, Exhibit A.

2.

Plaintiff is a resident of the state of Georgia. *See* Complaint, Exhibit A, ¶ 1.

3.

Defendant Curtin Co. is a foreign corporation registered with the Georgia Secretary of State to do business in Georgia with its principal place of business located at 11900 Goodrich Drive, Charlotte, NC 28278. *See* Complaint, Exhibit A, ¶ 3.

4.

Defendant Robert Reed is a North Carolina resident. *See* Complaint, Exhibit A, ¶ 8.

5.

Plaintiff's purported uninsured motorist carrier, GEICO Indemnity Company, is a foreign corporation registered with the Georgia Secretary of State to do business in Georgia with its principal place of business located at 5260 Western Avenue, Chevy Chase, MD.

6.

Plaintiff's Complaint seeks to recover damages, including compensatory and punitive damages as well as attorneys' fees and expenses, for bodily injuries which allegedly arose out of an accident occurring on SR 138 near its intersection with Daniel Drive in Stockbridge, Clayton County, Georgia.

7.

Given Plaintiff's asserted claims and on experience, information and belief, the amount in controversy exceeds \$75,000.00, the jurisdictional minimum required by 28 U.S.C. § 1332(a).

8.

This action was instituted on February 8, 2022 in the State Court of Clayton County, Georgia. On February 18, 2022 Defendant was served with the Summons and Complaint. Defendant is removing this action within thirty (30) days of the earliest date of service. This Notice of Removal is also filed within one year of the commencement of the action. Thus, removal is timely under 28 U.S.C. § 1446(b).

9.

Venue is proper in this District Court pursuant to 28 U.S.C. § 1441(a) because the action was originally filed in the State Court of Clayton County, State of Georgia,

which lies within the United States District Court for the Northern District of Georgia, Atlanta Division. See 28 U.S.C. § 90(a)(2).

10.

In accordance with 28 U.S.C. § 1446(a), Defendant attaches hereto all copies of all process, pleadings, and orders served upon it in this case, such copies being marked collectively “Exhibit B.”

11.

The written notice of filing and a copy of the Notice of Removal are being filed simultaneously with the Clerk of the State Court of Clayton County, State of Georgia, in accordance with 28 U.S.C. § 1446(d), a copy of which has been attached as “Exhibit C.”

12.

Because the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.00, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332 and removal jurisdiction pursuant to 28 U.S.C. § 1441.

WHEREFORE, Defendant prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

(signature on next page)

This 18th day of March, 2022.

Respectfully submitted,

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Negin K. Portivent

Ashley C. Webber

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CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D) of the Northern District of Georgia, I hereby certify that this document was prepared in Times New Roman font, 14 point, pursuant to LR 5.1.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Negin K. Portivent

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CERTIFICATE OF SERVICE

I certify that I have this day electronically filed the foregoing **NOTICE OF REMOVAL** with the Clerk of Court via the Court's electronic filing system which electronically serves a copy of same upon all parties of record as follows:

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This 18th day of March, 2022.

SWIFT, CURRIE, McGHEE & HIERS, LLP

By: /s/ Negin K. Portivent

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